THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.13131 of 2007

Between:

Smt.Puttagunta Devaki Devi and another.

.. PETITIONERS

and

The State of A.P. and others.

.. RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.13131 of 2007

ORDER:

It is the case of the petitioners that they are the absolute owners of dry land admeasuring Ac.1-17 cents in Sy.No.531/1 (old Sy.No.149) situated at Chowdavaram village, Guntur Rural Mandal, Guntur District, having purchased the same vide registered document No.627/87, dated 19-05-1987 from Smt.V.Devi Kumari and K.Kamala Kumari. The vendors of the petitioners in turn purchased the said property from V.Sambasiva Rao and others vide registered document No.1057/86, dated 20-09-1986. While so, the proceedings have been initiated by the 3rd respondent under the provisions of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977, (for short "the Act") without giving any notice to the petitioners and without following due process of law. Therefore, the petitioners seek to issue a Writ of Mandamus declaring the action of the respondents in trying to dispossess the petitioners from the land in question, without following due process of law, as illegal and arbitrary.

A counter has been filed on behalf of respondents 1 to 3 enclosing copy of the proceedings in Rc.412/2007-D, dated 20-04-2007, stating that the land in question has been resumed to the Government custody.

A perusal of the said order, dated 20-04-2007, goes to show that a show cause notice, dated 22-02-2007, was issued to the 2nd petitioner, who was found in possession of the land in question, on the ground that the original assignee violated the provisions of Section 3 of the Act and the said land is not alienable under Section 4 (a) of the Act, asking the 2nd petitioner to give explanation within fifteen days as to why she shall not be evicted from the land in question. However, the said notice was served by an alternative

mode of service on 27-02-2007 due to non-availability of the 2nd petitioner. But, no explanation has been received within the stipulated time. Therefore, the land in question has been resumed to the Government custody.

I am of the opinion that if the petitioners are in possession of the land in question and if they are aggrieved by the order, dated 20-04-2007, the petitioners have got an effective alternative remedy by way of filing appeal under Section 4-A (1) of the Act.

Having regard to the facts and circumstances of the case, the writ petition is dismissed with liberty to file an appeal against the order, dated 20-04-2007. There shall be no order as to costs.

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17-09-2007

Prv